

**DOCKET NO. D-2006-8-1**

**DELAWARE RIVER BASIN COMMISSION**

**Special Protection Waters**

**Green Walk Trout Hatchery  
Ground Water Withdrawal**

**Washington Township, Northampton County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by the Green Walk Trout Hatchery to the Delaware River Basin Commission (DRBC or Commission) on March 24, 2006, for an allocation of ground water and review of a ground water withdrawal project.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on September 27, 2006.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this project is to supply up to 12.96 million gallons per thirty days (mg/30 days) of water to the docket holder's commercial trout hatchery through three existing wells.

2. **Location.** The project wells are located in the Waltz Creek Watershed, and are screened in the unconsolidated deposits overlying the Martinsburg Formation.

Specific location information has been withheld for security reasons.

3. **Area Served.** The wells supply water to the docket holder's trout hatchery in the town of Bangor, Northampton County, Pennsylvania. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the Decisions section of this docket.

4. **Physical features.**

a. **Design criteria.** The docket holder operates three wells (Wells Nos. W-2, W-5 and W-6) as sources of supply to its commercial trout hatchery. The hatchery began operations in 1950. Well withdrawals are piped into various hatchery structures, draining in their entirety to Greenwalk Creek. The hatchery manages feeding practices to protect the water quality of Greenwalk Creek. Greenwalk Creek flows directly through the trout raceway systems, with no

surface water diversions from either the creek or the raceway systems. Greenwalk Creek is naturally supplemented by a series of springs and seeps located on the property, as well as by the three production wells.

Wells Nos. W-2, W-5 and W-6 provide cold, highly oxygenated water critical to the raising of trout from egg to adult. Well No. W-2, also known as the Hatchery or Hatchhouse Well, is the primary well source. This well generally pumps year round at an average rate of 135 gallons per minute (gpm). Well No. W-6, also known as the Back Woods or Back Well, supplies the eastern portions of the raceway system as well as for the production of trout fry. This well is only utilized as needed, with an average pump rate of 130 gpm. Well No. W-5, also known as the Blue Well, is an emergency backup supply source, and when used, pumps at a rate between 60 gpm to 100 gpm. The hatchery's water demands vary depending upon background hydrological conditions as well as the changing needs of varying numbers of trout in different life stages. In circumstances necessitating all three wells to operate concurrently, the combined withdrawal rate averages 300 gpm.

The hatchery has an existing average and maximum water demand of 8.93 mg/30 days and 12.96 mg/30 days. No increase in water demand is anticipated within the next ten years. However, the docket holder is considering potential modification to Well No. 6 to increase capacity through a new pump in the future.

- b. Facilities.** The existing project wells have the following characteristics:

<b>WELL NO.</b>	<b>DEPTH (FEET)</b>	<b>CASED DEPTH (FEET)</b>	<b>PUMP CAPACITY (GPM)</b>	<b>YEAR DRILLED</b>
W-2	63	53	150	1970
W-5	63	53	100	1970
W-6	63	53	160	1970

All wells are metered.

Prior to entering the distribution system, the water is not treated.

The project wells are above the 100-year flood elevation.

The water system is not presently interconnected with any other distribution system.

- c. Cost.** The overall cost of this project is estimated to be \$19,000.

**B. FINDINGS**

On January 19, 2005 and September 26, 2005, the DRBC approved interim amendments to its *Water Quality Regulations* that provide increased protection for downstream waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of Special Protection Waters. The wells providing water supply to the Green Walk Trout Hatchery are located within the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities (i.e., there aren't any new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition I.r. has been included in the Decision section of this docket.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The DRBC estimates that the project withdrawals, used for the purpose of commercial trout hatchery supply, result in a consumptive use of nearly zero percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The docket holder conducted a seventeen hour pumping test on Wells Nos. W-2, W-5 and W-6, which began on January 16, 2006. One nearby domestic well, three production boreholes (Boreholes Nos. B-1, W-1, and B-2), and a flume downstream of Back Spring were monitored for the duration of the test. No monitoring of Greenwalk Creek was conducted due to the nature of the system design, where all withdrawals are discharged in their entirety into Greenwalk Creek, which flows through the hatchery's raceway systems. Prior to the start of the pumping test, hatchery demands dictated the need for both Wells Nos. W-2 and W-6 to be in operation, pumping at approximately 130 gpm each; Well No. W-5 was inactive, passively discharging approximately 3 gpm under artesian flow into the raceway system. Well No. W-5 was brought online for the seventeen hour test, at an average pump rate of 80.7 gpm. In addition, Borehole B-

1, located adjacent to the wells, was operating at a steady rate of 278 gpm. With the simultaneous pumping of Wells Nos. W-2, W-5, and W-6, as well as Borehole B-1, drawdown in these sources reached 3.01 feet, 11.9 feet, 1.83 feet and 3.01 feet, respectively. Drawdown in the domestic well reached 1.27 feet. The flume stage of Back Spring was influenced by back-up within the flume caused by its discharge to a raceway structure. Due to the influence, the docket holder was unable to make a correlation to the pumping of the wells; however, the flume stage did not vary by an observable level (0.01 feet or greater). This facility has been operating with no reports of interference. No adverse impact is anticipated with the continued operation of this project.

### **C. DECISION**

I. Effective on the approval date for Docket No. D-2006-8-1 below, the project and appurtenant facilities as described in the Section entitled “Physical features” above are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Water Resources Planning Act (Pennsylvania Act 220).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any 30-day period, the withdrawal from Well No. W-2 shall not exceed 6.48 million gallons, the withdrawal from Well No. W-5 shall not exceed 4.32 million gallons, and the withdrawal from Well No. W-6 shall not exceed 8.64 million gallons, and the total withdrawal from all wells shall not exceed 12.96 million gallons.

e. The wells shall be equipped with readily accessible capped ports and drop pipes so that water levels may be measured under all conditions.

f. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

g. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

h. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

i. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

j. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

k. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

l. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

m. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

n. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

p. If the operation of this project significantly affects or interferes with any domestic or other existing wells or surface water supplies, or if the docket holder receives a complaint by any user of wells or surface water supplies within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by users of wells or surface water supplies within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct its phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Branch at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all complainants and other potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. The written notification will include information for them to contact DRBC directly should they choose to do so. Any well or surface water supply which is substantially adversely affected, or rendered dry or otherwise unusable as a result of the docket holder's project withdrawal, shall be expeditiously repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required. The Executive Director may modify or suspend this approval, or require mitigating measures, pending additional review.

q. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

r. Prior to expanding or modifying the existing withdrawal facilities or the surrounding site, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSP.

s. The docket holder and any other person aggrieved by a reviewable action or decision taken by the Executive Director or Commission pursuant to this docket may seek an administrative hearing pursuant to Articles 5 and 6 of the Commission's *Rules of Practice and Procedure*, and after exhausting all administrative remedies may seek judicial review pursuant to Article 6, section 2.6.10 of the *Rules of Practice and Procedure* and section 15.1(p) of the Commission's *Compact*.

**BY THE COMMISSION**

**APPROVAL DATE: September 27, 2006**

**EXPIRATION DATE: September 27, 2016**